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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Wai-Tian Tan

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HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

NGUYEN BA, HOANG VU A

ART UNIT

PAPER NUMBER

2421

NOTIFICATION DATE

DELIVERY MODE

04/08/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM
ipa.mail@hp.com
jessica.l.fusek@hp.com

Office Action Summary	Application No. 10/695,259	Applicant(s) TAN, WAI-TIAN	
	Examiner Hoang-Vu A. Nguyen-Ba	Art Unit 2421	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 29, 2009 has been entered.
2. Claims 1-33 remain pending. Claims 1, 12 and 23 are independent claims.

Response to Amendments

3. The objection to claims 8 and 19 is withdrawn in view of Applicant's amendments to these claims.

Response to Arguments

4. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejection.
5. Applicant's arguments with respect to the rejection under 35 U.S.C. § 112, first paragraph of claims 1, 12 and 23 have been fully considered and while they are persuasive for the support of the following features: *third network connected component* (i.e., media service provider); *type of media service* (i.e., format conversion services among other things); *portion of said content* (i.e., stream components); they are not considered persuasive for the claimed limitation *positioned to receive* which is considered to be the core feature of the limitation *wherein said portion of said content is positioned to receive said type of media service performed by said third network connected component*.

Therefore, the rejection of claims 1, 12 and 23 under 35 U.S.C. § 112, first paragraph is maintained.

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Claim Rejections – 35 USC §112

6. The following is a quotation of the first paragraph of 35 U.S.C. §112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1, 12 and 23 are rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The claimed limitation “*is positioned to receive*” is nowhere found in Applicant’s specification, and particularly in FIGs. 5, 7 and 8 as asserted by Applicant.

Claim Rejections – 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejection under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-6, 8, 11-17, 19, 22-28, 30 and 33 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0156842 by Signes et al. (“Signes”).

It should be noted that hereinafter the use of the clause “see at least” should be interpreted that the cited portions that follow the clause are not the only portions that are considered to be relevant. Should Applicant find that the cited portions are not relevant, other portions of the disclosure of the prior art reference will be provided as additional evidence and/or context to the relevancy of the previously cited portions. Since the evidence is from the same reference, the introduction of the additional evidence in response to Applicant’s arguments should not therefore be considered to be that of new grounds of rejection.

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Claim 1

Signes discloses at least *a method for dynamically configuring a network component, comprising:*

receiving a request for content from a first network connected component (see at least FIG. 2, step 230 and [0024]);

determining a type of media service needed for at least a portion of said content to fulfill said request (see at least FIG. 2, steps 235-240-245 and [0024]; e.g., identifying appropriate media that is responsive to the placeholder and identification of the client terminal 150); and

configuring a data relaying component to forward said at least a portion of said content from a second network connected component to a third network connected component to receive said type of media service (see at least FIG. 2, steps 245-250 and [0021-0024]).

Claim 2

The rejection of base claim 1 is incorporated. Signes further discloses *wherein said step of receiving said request for content is performed by a network connected server (see at least FIG. 1, device 130).*

Claim 3

The rejection of base claim 1 is incorporated. Signes further discloses *wherein said request is for streaming media content (see at least [0024]; e.g., the streaming requests).*

Claim 4

The rejection of base claim 1 is incorporated. Signes further discloses *wherein said first network connected component is a client device (see at least FIG. 1, device 150).*

Claim 5

The rejection of base claim 1 is incorporated. Signes further discloses *wherein said second network connected component is a content server (see at least FIG. 1, device 130).*

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Claim 6

The rejection of base claim 1 is incorporated. Signes further discloses *wherein said third network connected component is a media service component which receives said content, performs a media service and transmits the content to a client device* (see at least FIG. 1, device 120).

Claim 8

The rejection of base claim 1 is incorporated. Signes further discloses *wherein said content is redirected to said third network connected component while en route to said first network connected component* (see at least FIG. 1 and [0024]; e.g., the requested media content ultimately reaches the client 150 via the streaming server 120).

Claim 11

The rejection of base claim 1 is incorporated. Signes further discloses *wherein said server receives said request routed by said data relaying component, and supplies routing configuration instructions to said data relaying component to create or destroy a rule to route selected streams to a media service* (see at least [0024]; e.g., redirecting the streaming requests to adequate streaming server 120).

Claim 12

Since Claim 12 is an independent claim that recites *a computer useable medium having computer useable code embodied therein causing a computer to perform* the same operations of method claim 1, the same rejection is thus applied.

Claim 13

The rejection of base claim 12 is incorporated. Since Claim 13 recites the same feature of Claim 2, the same rejection is thus applied.

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Claim 14

The rejection of base claim 12 is incorporated. Since Claim 14 recites the same feature of Claim 3, the same rejection is thus applied.

Claim 15

The rejection of base claim 12 is incorporated. Since Claim 15 recites the same feature of Claim 4, the same rejection is thus applied.

Claim 16

The rejection of base claim 12 is incorporated. Since Claim 16 recites the same feature of Claim 5, the same rejection is thus applied.

Claim 17

The rejection of base claim 12 is incorporated. Since Claim 17 recites the same feature of Claim 6, the same rejection is thus applied.

Claim 19

The rejection of base claim 12 is incorporated. Since Claim 19 recites the same feature of Claim 8, the same rejection is thus applied.

Claim 22

The rejection of base claim 12 is incorporated. Since Claim 22 recites the same feature of Claim 11, the same rejection is thus applied.

Claim 23

Since Claim 23 is an independent claim that recites *a server* (Signes; see at least FIG. 1, device 130) *comprising*:

memory for storing a request for content from a first network connected component; and

a processor coupled to said memory for performing the same operations

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recited in method claim 1, the same rejection is thus applied.

It should be noted that a server is a computer comprising memory, such as RAM, ROM, and different storage medium (e.g., hard-drive, etc.) and one or more microprocessors. These components are deemed inherent to Signes because without these components, the server disclosed by Signes would be inoperable.

Claim 24

The rejection of base claim 23 is incorporated. Since Claim 24 recites the same feature of Claim 2, the same rejection is thus applied.

Claim 25

The rejection of base claim 23 is incorporated. Since Claim 25 recites the same feature of Claim 3, the same rejection is thus applied.

Claim 26

The rejection of base claim 23 is incorporated. Since Claim 26 recites the same feature of Claim 4, the same rejection is thus applied.

Claim 27

The rejection of base claim 23 is incorporated. Since Claim 27 recites the same feature of Claim 5, the same rejection is thus applied.

Claim 28

The rejection of base claim 23 is incorporated. Since Claim 28 recites the same feature of Claim 6, the same rejection is thus applied.

Claim 30

The rejection of base claim 23 is incorporated. Since Claim 30 recites the same feature of Claim 8, the same rejection is thus applied.

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Claim 33

The rejection of base claim 23 is incorporated. Since Claim 33 recites the same feature of Claim 11, the same rejection is thus applied.

Claim Rejections – 35 USC § 103

10. The following is a quotation of the 35 U.S.C. § 103(a) which form the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 7, 9-10, 18, 20-21, 29 and 31-32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0156842 by Signes et al. (“Signes”) in view of U.S. Patent No. 6,785,704 to McCanne.

It should be noted that hereinafter the use of the clause “see at least” should be interpreted that the cited portions that follow the clause are not the only portions that are considered to be relevant. Should Applicant find that the cited portions are not relevant, other portions of the disclosure of the prior art reference will be provided as additional evidence and/or context to the relevancy of the previously cited portions. Since the evidence is from the same reference, the introduction of the additional evidence in response to Applicant’s arguments should not therefore be considered to be that of new grounds of rejection.

Claim 7

The rejection of base claim 1 is incorporated. Signes does not specifically disclose *wherein said configuring is performed by a real time streaming protocol (RTSP) server.*

However, in an analogous art, McCanne discloses an application-specific connection request such as RSTP (see at least 20:1-13; 25:43-56; 28:9-51; 29:5-32), which helps avoid media server’s stale redirection decision which is unacceptable for streaming media traffic (19:37-41).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the RSTP for the media server 130 of Signes for the purpose discussed above.

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Claim 9

The rejection of base claim 1 is incorporated. Signes does not specifically disclose *wherein said request is redirected using Internet domain name service (DNS) based redirection techniques.*

However, in an analogous art, McCanne discloses that redirecting can be done using a domain name service (DNS) in case the local servers are fully loaded (see at least Abstract and 13:36-51).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the capability of redirecting requests for media content as taught in McCanne for the purpose discussed above.

Claim 10

The rejection of base claim 1 is incorporated. Signes does not specifically disclose *wherein said content or request is redirected using a web cache communication protocol (WCCP) routing mechanism.*

However, in an analogous art, McCanne discloses that Web cache media server can be extended with simple rules for how to resolve the content request via the conventions in the URL so that a redirection-aware Web cache could parse the URL path and determine which particular Web server it should go to pull down the content (see at least 23:4-67).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the Web cache routing mechanism as taught in McCanne so that content can be pull down content faster since the content is already in cache.

Claim 18

The rejection of base claim 12 is incorporated. Since Claim 18 recites the same feature of Claim 7, the same rejection is thus applied.

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Claim 20

The rejection of base claim 12 is incorporated. Since Claim 20 recites the same feature of Claim 9, the same rejection is thus applied.

Claim 21

The rejection of base claim 12 is incorporated. Since Claim 21 recites the same feature of Claim 10, the same rejection is thus applied.

Claim 29

The rejection of base claim 23 is incorporated. Since Claim 29 recites the same feature of Claim 7, the same rejection is thus applied.

Claim 31

The rejection of base claim 23 is incorporated. Since Claim 31 recites the same feature of Claim 9, the same rejection is thus applied.

Claim 32

The rejection of base claim 23 is incorporated. Since Claim 32 recites the same feature of Claim 10, the same rejection is thus applied.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone number is (571) 272-3701. The examiner can normally be reached on Monday-Friday from 9:00 am to 5:30 pm.

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If attempts to reach the examiner are unsuccessful, the examiner's supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2400 Group receptionist (571) 272-2400.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Hoang-Vu Antony Nguyen-Ba/

Primary Examiner, Art Unit 2421

April 4, 2009